

Harrington Park
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
Wednesday, July 25, 2018 @ 7:00PM

Open Public Meeting Act Announcement: In compliance with Chapter 231, Public Law 1975, adequate notice of this meeting was made. It has been posted on the Bulletin Board in the Municipal Center. Copies have been mailed to THE RECORD, NORTHERN VALLEY PRESS, and the NORTH JERSEY SUBURBANITE. A copy has been filed with the Borough Clerk and copies have been mailed to individuals requesting the same.

ROLL CALL

Roll Call	PRESENT	ABSENT
Chairman Richard McLAUGHLIN	X	
Vice Chair Michael ROTH	X	
John POWERS	X	
Jin CHO		X
Steve LOTT	X	
Stephen MARTINEZ		X
Todd CANNAO		X
Robert BUDINICH (alternate a)	X	
Gail ZACCARO (alternate b)	X	

Also present: John Schettino, Board Attorney
Ann Bistriz, Borough Clerk

MINUTES FOR APPROVAL

June 27, 2018 minutes

Approval held until next meeting.

INVOICES FOR APPROVAL

No invoices for approval.

HEARINGS

1) 99 Kline Street (Block 708, Lot 9) – Addition, Melissa and Irfan Buddha

Mrs. Buddha was present. Mr. McLaughlin stated that she was still under oath. The Board liked the house. Mr. Budinich reviewed and saw the site and was able to vote. Ms. Buddha is looking to delay the construction. The approval is good for 9 months and can come within the 9 months for extensions. If there is work done in the 9 month, then it stops the clock (the expiration).

Mr. McLaughlin asked if there were any questions from the board members. No questions from the Board. He asked if there was anyone in the public that had questions regarding this application. No questions from the Public. Mr. McLaughlin closed public portion of the meeting. He asked if there was a motion concerning the application.

Approve 99 Kline Street application	Motion	Second	Yes	No	Abstain	Absent
Chairman Richard McLAUGHLIN			X			
Vice Chair Michael ROTH			X			
John POWERS	X		X			
Jin CHO						X
Steve LOTT			X			
Stephen MARTINEZ						X
Todd CANNAO						X

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Robert BUDINICH (alternate a)			X			
Gail ZACCARO (alternate b)		X	X			

The application was approved.

Mr. McLaughlin explained the procedure. There will be a written resolution that incorporates all the decisions tonight. The resolution will be approved at the next meeting. It will be published after the meeting. The public has a right to overturn within 45 days. Mr. Lott said to be cautious not to start construction before appeal time is over.

Ms. Buddha will get a copy of the resolutions that is published. The clock starts when the resolution is published in the paper. The secretary usually sends the ad to the newspapers the week following the meeting. Ms. Buddha has about 9 months after September to start the work. The Board will keep a copy of the plans for the permanent file and the building department gets a copy to confirm what was approved as built.

2) 47 Highland Avenue (Block 1013, Lot 2) – Addition, Joseph Pucciarelli

Mr. Pucciarelli is still under oath from the last meeting. Mr. McLaughlin asked if there was anything to add. There was nothing to add. Mr. McLaughlin asked if the new proposed driveway was right on the property line. Mr. Budinich asked if there is a street right next to the property. The answer was no. Mr. Pucciarelli replied that the driveway would be best suited parallel to the fence line. The fence is 6 inches away from the property line.

Mr. Lott asked why does the driveway have to go all the way back. Mr. Pucciarelli replied that the person who is using the driveway is disabled and can drive up to the house then get out by the house.

The Board reviewed the plans again.

Ms. Zaccaro asked if he could put a 2-car garage on the right hand side would it be possible to put more on the left side. Does it go into the house? Mr. Pucciarelli said that it goes down 6 steps, so it is at a different level. Bugs go in there and the boiler system is in the garage. It is possible to park a car in the existing garage but it is very tight.

Mr. Lott suggested putting a 2-car garage and the room on the right hand side, remove the original driveway and use the original garage as storage. There may not be a variance for coverage of the property and have little variance on the back. Mr. Pucciarelli asked if he would need to tear the garage down. Mr. Lott suggested he use it for storage and the boiler system is in the garage so he shouldn't tear it down.

Ms. Zaccaro asked if Mr. Pucciarelli would consider keeping the original garage and close it off; remove the driveway and put in a 2-car garage on the right hand side. Mr. Pucciarelli replied that within 2 doors of his property, there is 100s of feet driveway. Four doors down there is a house with a circular driveway. 10 doors away at 67 Tappan there is 3 driveways, 2 in front circle and rear garage. Mr. Pucciarelli said that putting a 2-car garage on the right would go right to the property line. There was discussion about the garage size. Mr. Pucciarelli stated that the garage is 15'2". A double garage would be 30'. A board member said that would be an extra large garage. Ms. Zaccaro recalled that a standard 2-car garage is 24'. If there is a 2-car garage and a room for Mr. Pucciarelli's mother on the right side then remove the left side driveway and make use of the left garage for storage and utilities, it will serve the same purpose with one driveway. Mr. Pucciarelli said it would be more costly to have to remove the driveway and build a 2-car garage. Mr. Pucciarelli prefers the garage on the side for the aesthetics. The plan for the finishing was a brick façade with window and stucco. The doors would need to be in the front, but this is not what Mr. Pucciarelli prefers for the look of the house. Ms. Bistriz clarified that it is a side loaded garage.

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Mr. Pucciarelli wanted to know the reason for concern of the 2nd driveway. Mr. Roth replied it is aesthetics. Mr. Roth complemented Mr. Pucciarelli with what he has done to his house. There is a lot of blacktop. Ms. Bistriz noted that the Planning Board changed the ordinance for a circular driveway in 2004. Mr. Roth said that he doesn't have the same problem on right side with a 2 car garage with the doors facing the street with a normal driveway and the other side leave what is there, put a different face so it doesn't look like a garage and not the rest of blacktop. Mr. Pucciarelli asked if the blacktop is stamped brown would that make a difference? The Board said that it would not make a difference. Mr. Pucciarelli wanted to clarify that the fence is permitted 6ft from the property line, but there is a concern of what is on top of the dirt. Could it be grass or rocks or pavers? The Board did not agree. Mr. Pucciarelli wants to conform, but this is not his vision. Mr. Powers replied that the Board only wants one driveway. They are trained that each lot is unique. Mr. Pucciarelli asked if it was in adverse conditions of the neighborhood? Various members replied that it was not. A member asked why only have one garage and not two. Mr. Pucciarelli said that there would be added cost to remove a driveway, put more work into the original space, put the doors in a way that he doesn't like. He would not like the house that the Board is proposing.

Mr. Roth commented that there is an expense to remove the blacktop and increasing the size of the garage is more work. Mr. Pucciarelli noted that the property line, there is a side yard set back of 23' 7". With that the garage would be over the property line. Mr. Roth discussed the placement and impact on the neighbors.

Mr. Schettino noted that a 2-car garage probably would need a side yard variance for location of structure and put the door in front. Mr. Schettino was concerned about the location and how it could fit. It would be nicer to have the doors on the side.

Mr. Schettino noted Mr. Pucciarelli needs to explain his position to the Board. It is their job to determine whether a 2-car garage facing the street or 2 driveways. They determine what would have more of a negative impact or deny completely. Any if change is not appropriate, or determine if 2 driveways is more negative than having a side entrance.

Mr. Roth asked if granted, would Mr. Pucciarelli not to make other side garage and take up the black top? Mr. Pucciarelli said that the proposed addition would go further back. He would lose the window and proposed patio.

Mr. Lott suggested a smaller room. Mr. Pucciarelli said that the house is on a slant and can't turn into the garage.

Mr. Pucciarelli is more than happy to change material. The issue is the 2 garages and 2 driveways. Mr. Pucciarelli says that the house will look very nice from the front. There are paving stones that have grass growing through it. If the driveway was shifted away from the side line and street so it is 10' wide and 6" from the property line, shift it 10ft to the left, put some plantings where it widens out do the reverse. Mr. Pucciarelli would like to see it starting more to the left. Instead of impervious asphalt, paver blocks where vegetation can grow would be used. From the street you can't see a solid surface.

Discussion started about a property with open pavers in Harrington Park. Ms. Bistriz noted that a property on Glen Avenue put in the open pavers. Mr. Pucciarelli asked if the first 13ft is easement so it looks green and add some shrubs.

Ms. Zaccaro asked if the 13' was black top. Mr. Pucciarelli said that this is only a suggestion. The cost for the blocks is much more than asphalt. Visually, 13' x 10' wide there would be a lot of green.

Mr. Budinich asked if the existing garage contains a car. Would you consider pulling up the asphalt and replace with blocks on the left side? Mr. Pucciarelli said that it would be costly.

Mr. Budinich said that he doesn't like both driveways.

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There was discussion on how to shift and add shrubs. Mr. Pucciarelli is receptive to the stones up to the garage. Mr. Roth asked if the unit behind the garage can be used as a 2 family home.. Mr. Pucciarelli said that it can't be used as an apartment because it is 20' x14' room. Mr. Pucciarelli is considering adding a bathroom. Mr. Budinich asked if there was an exterior entrance. Mr. Pucciarelli noted that there would be a door with patio with access to the room. He is not planning on putting a door from the garage to the bedroom. There would not be an entrance from the garage to the house. The garage is next to the dining room so Mr. Pucciarelli does not want to enter the dining from the garage. The board discussed the logistics of placement and entrance for the extra room where the mother in law will be staying in.

Mr. Schettino said that the Board cannot revise the design. The application is for 2 driveways, impervious coverage variance and side yard variance. There is a suggestion by the Chairman to revise the plan. The applicant is willing to make the revisions. The Board can approve the application as submitted or as revised with open paver stones or deny as submitted or deny as revised.

Mr. Pucciarelli provided pictures of 67 Tappan of the circular drive. Mr. Schettino noted that the applicant's testimony that there are existing circular driveways in the neighborhood and would have no negative effect.

Mr. McLaughlin opened the meeting to the public with any questions or comments concerning the application. There are none.

Mr. McLaughlin closed the meeting to the public.

Motion to make a resolution concerning the application along alternatives the board attorney has outlined. The options are original application as submitted, a revision or deny the application.

Mr. Budinich made a motion of deny the application as proposed and suggested. Mr. Powers second.

Deny 47 Highland application as proposed and suggested	Motion	Second	Yes	No	Abstain	Absent
Chairman Richard McLAUGHLIN				X		
Vice Chair Michael ROTH			X			
John POWERS		X	X			
Jin CHO						X
Steve LOTT			X			
Stephen MARTINEZ						X
Todd CANNAO						X
Robert BUDINICH (alternate a)	X		X			
Gail ZACCARO (alternate b)			X			

Mr. McLaughlin announced that the application was denied. The same procedures steps apply. The decision is incorporated in a resolution; adopted in the next meeting; it is published and there is 45 days after that for anyone to file an appeal for the boards decision.

Mr. Pucciarelli asked about the choices that were discussed. Mr. Schettino noted that it was a motion to deny all. Mr. Pucciarelli can appeal at the Superior Court in Bergen County. This is a disappointment to Mr. Pucciarelli.

Mr. Schettino noted that the applicant has the right to resubmit a revised application, but it can't be similar to the one originally submitted. He suggested that board would be receptive to move the driveway to one side or the other. Mr. Pucciarelli noted that he could surround the property with a fence, but he could not change the surface. Mr. Schettino said that the basis of the denial is not the surface, but it is the two driveways. The Chairman suggested addressing that concern with pavers, but the Board did not accept it.

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Mr. Pucciarelli is receptive to pavers and asked if the Board would revisit. Mr. Schettino asked someone to make the motion for reconsideration otherwise Mr. Pucciarelli could make an application but would need to prove that it was a material fact that was different or the Board made an error in the law. There is no error in the law because it is the board's opinion that the variance is not justified. They understand what the applicant is asking for, but it is their position that the variance if granted would have a negative impact on the neighborhood, would not be aesthetic, to be a negative to have the two driveways and a detriment to the zoning plan. The applicant can appeal, but have to show that the board's decision was arbitrary, capricious and unreasonable that there was no basis for the determination not to grant the variance.

Mr. Pucciarelli asked would the additional spaces without the driveway be approved? Is the reason for the non-approval the driveway? If the driveway were not part of the plan, would it be approved? There would not be a garage. The garage space would be incorporated with that bedroom. The person will be wheeled on the proposed walkway to the space. The only variance would be 3.5ft.

Mr. Budinich would like to see an actual plan with room.

Mr. Schettino noted that the plan cannot be approved by a verbal description. Mr. Schettino said that the applicant could ask the board if they would be receptive to a revised plan requiring a side yard variance and addition to one side of the house. Mr. Roth noted that he does not have a grievance with the room for more space for a family member with privacy. Mr. Pucciarelli would need a revised plan with the side yard 3.5' variance.

Mr. McLaughlin motioned to rescind the denial for the purpose of letting the applicant revise the application so he does not have to re-notify and he can come back next meeting. Ms. Zaccaro seconded. Mr. Pucciarelli discussed some options for the revision.

Rescind the denial for 47 Highland to allow the applicant revise the application	Motion	Second	Yes	No	Abstain	Absent
Chairman Richard McLAUGHLIN	X		X			
Vice Chair Michael ROTH			X			
John POWERS			X			
Jin CHO						X
Steve LOTT			X			
Stephen MARTINEZ						X
Todd CANNAO						X
Robert BUDINICH (alternate a)			X			
Gail ZACCARO (alternate b)		X	X			

Motion is carried to August 22, 2018.

The plans should be given to the Board 10 days before the meeting. Mr. Pucciarelli must talk to the architect and the building department.

3) 142 Schraalenburgh Road (Block 1203, Lot 13) – Addition, Joanna Meakin

There is a minor technicality. Mr. Meakin brought everything to notarize. They were not notarized because there were 3 SUEZ properties on the notice list, 2 were noticed and one was not. One was for waterfront property, one is a pumping area and one is a pocket lot. Each is under a different jurisdiction within SUEZ. Mr. Schettino noted that SUEZ owns 3 properties and requires it's own notification for each. It is Mr. Schettino's recommendation to the board to proceed with the applicant's understanding that the property owned by SUEZ water that did not receive the notice can come back 5 years later and say they did not receive notice for the application and can void the approval if challenged. There is a risk if Ms. Meakin proceeds.

Mr. McLaughlin suggested to Ms. Meaking and the board the option to hear the application and in the interim between now and the next meeting contacting SUEZ to waive the requirement of notice or have not objection in

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writing then file it with the board. It must be specific to the one property that was not noticed. There is no one from the public. Ms. Meakin noted the first time the notices were sent by certified mail. The second time the letters were sent, one of the SUEZ properties were not noticed.

Mr. McLaughlin swore in Joanna Meakin, 142 Schraalenburgh Road, Harrington Park, N.J.
Ms. Meakin is requesting an extension over the existing structure. She is putting in a bedroom and bathroom. It is 4'4" off of the code over the existing structure. She doesn't think it is unreasonable to build over the existing structure.

Mr. Schettino asked if it was a 2nd floor addition and if the addition is identical to the footprint of the first floor, is it smaller or is there an overhang. Ms. Meakin said that the addition is a little smaller. Mr. Powers asked if it confined to the existing footprint. Ms. Meakin agreed.

The house is a 1 and a half story. About 5 years ago, she extended a family room in the back that is 16'x20'. There are currently existing 3 bedrooms and one bathroom. There are two bedrooms on the second floor and one bedroom and bath on the first floor. If the application is approved, there will be 4 bedrooms and 2 bathrooms and a laundry room and closets. There will be a larger room on the second floor.

Additional full bathroom, one to two bathrooms in the dwelling the same existing home with 10ft 6in side yard with the second story addition it will be still a 10' 6" side yard, it would still be 2 story. The new part is the bedroom above the den.

Mr. McLaughlin said from a written resolution approval there is 9 months to start construction. Within that time she can come in to ask for an extension. Ms. Meakin is concerned that everything is more than anticipated. She feels that it may be into the spring. Mr. McLaughlin noted that if she feels that the 9 months is about expire, she can go before the board and explain the reason for an extension to be granted.

Mr. McLaughlin asked if there were any members of the public with questions or comments concerning the application. There were no members of the public for this application. Mr. McLaughlin closed the hearing to the public portion.

The board will extend the hearing to the August 22nd meeting. In the interim, Ms. Meakin should get the letter from SUEZ and the Board will go to her house and take a look at the house and neighborhood and should be in the position to vote on the application in August. Ms. Bistriz explained that the resolution would be written for September if approved in August and construction should start by June 2019. If construction has not started by March, Ms. Meakin should email Ms. Lee to add this to the agenda. If construction started before June, it would be under the jurisdiction of the building department.

4) 112 Hackensack Avenue (Block 716, Lot 4) – Shed, Anthony Venezia

Mr. Powers was asked if he knows Mr. Venezia through business. He does not. If he did, the Mr. Powers could not vote.

Mr. McLaughlin swore in Anthony Venezia, 112 Hackensack Avenue, Harrington Park, New Jersey.

Mr. Venezia is requesting to put in a shed. The property is a corner lot and would need a variance for a corner lot. All is within a normal lot without the side yard considered. Pictures were handed out. Landscaping was done.

Mr. McLaughlin noted the house faces Hackensack Ave. and encroaches Kline St. There is no rear lot problem. There is a side yard problem.

The shed is 10'x16' with a 5' encroachment.

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Mr. Lott asked could the shed be moved behind the garage. Mr. Venezia said that he has a small backyard and it would take up all the space.

Mr. McLaughlin asked about the height. Mr. Venezia said that the height is 5'.

Mr. Schettino asked about which side the shed is on, what is across from the property and if there is landscaping. Mr. Venezia replied that the shed is on Kline St. and there are existing trees and shrubs. He referred to the Kline St. pictures. Now, you can see the roofline, but you won't in the future. He is trying to be respectful to the neighbors and did the landscaping to improve the community.

Mr. McLaughlin noted that there were no members from the public at this time.

Mr. Roth commented about fire safety. This mistake is that people put flammable things in the garage and many people loose their homes. The smartest thing is to have a shed separated from the house.

Approve 112 Hackensack Ave for the location of the shed	Motion	Second	Yes	No	Abstain	Absent
Chairman Richard McLAUGHLIN			X			
Vice Chair Michael ROTH			X			
John POWERS	X		X			
Jin CHO						X
Steve LOTT			X			
Stephen MARTINEZ						X
Todd CANNAO						X
Robert BUDINICH (alternate a)		X	X			
Gail ZACCARO (alternate b)			X			

Mr. McLaughlin noted that the next meeting there will be the written resolution for approval. The resolution will be signed and published. There will be 45 days after publication reserved for anyone who wants to appeal the decision.

Mr. Venezia said that he was not aware of the variance needed and purchased the shed. The shed is being stored at \$20/day. Could he put the shed in place? Mr. McLaughlin said he could put it up at his own risk.

ADJOURN

Motion: Mr. Roth

Second: Mr. Lott

All in favor said "Aye"

Meeting adjourned at 8:35PM.

NEXT SCHEDULED ZONING BOARD OF ADJUSTMENT
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Wednesday, August 22, 2018 at 7pm